

REMARKS**SUMMARY:**

The present application sets forth claims 1-39, of which claims 1, 19, and 33 are independent claims. Amendments are submitted and requested entry for claims 1, 6 and 33. The amendments to claim 6 is a clarifying amendments submitted to comply with a requirement of form such that specific language set forth in the claims properly corresponds to corresponding antecedents. None of the amendments add any new matter to the subject application.

Original Claims 15-17 and 31 are objected to, but have been indicated as allowable if rewritten in independent form to include limitations of the base claim and any intervening claims. Original Claim 6 stands rejected under 35 U.S.C §112, second paragraph, as being indefinite for failure to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Original Claims 1-7 and 18 stand rejected under 35 U.S.C §102(e) as being allegedly anticipated by U.S. Published Patent Application No. 2004/0212486 (Dinello et al.). Original Claims 8-14, 19-30, and 32-39 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dinello et al. in view of U. S. Published Patent Application . No. 2004/0130442 (Breed et al.).

Responses to the rejections summarized above are hereafter provided with respect to each individual argument presented by the Examiner.

REJECTION OF ORIGINAL CLAIM 6 (35 U.S.C. §112, SECOND PARAGRAPH):

Original Claim 6 stands rejected under 35 U.S.C §112, second paragraph, as being indefinite for failure to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants believe that the rejection of claim 6 was due to an inadvertent typographical error wherein claim 6 was inadvertently made dependent upon original claim 1. Applicants have herein requested changing the claim

dependency of claim 6 from claim 1 to claim 2 and believe that such change will properly address and correct the problem noted in the most recent feedback from the Examiner.

REJECTION OF ORIGINAL CLAIMS 1-7 AND 18 (35 U.S.C. §102(e)):

Original Claims 1-7 and 18 stand rejected under 35 U.S.C §102(e) as being allegedly anticipated by U.S. Publish Patent Application No. 2004/0212486 (Dinello et al.). Based on the following remarks, Applicants respectfully traverse such alleged anticipation.

Preliminarily, applicants note that the actual statement of rejection at page 3 thereof in the recent feedback from the Examiner identified the Dinello reference as corresponding to Publication No. 2004-0242486 but cited 2004-0212486 on the accompanying PTO-892. Applicants have assumed that the later number is the correct reference and have based their comments thereon.

Before setting forth a discussion of the prior art applied in the recent First Office Action, it is believed that a general discussion of the disclosed subject matter may be helpful as background to a discussion of the specifically claimed subject matter.

In general, the present technology is directed toward the transmission of tire related data. More particularly, as discussed starting with the Background Of The Invention on page 1 of the specification, the general area of concern relates to tire electronics including sensors and other components for relaying tire identification parameters and also for obtaining information regarding various physical parameters of a tire, such as temperature, pressure, tread wear, number of tire revolutions, vehicle speed, etc.

In addition, as discussed in the Summary Of The Invention on page 5 of the specification, the electronics assembly according to the present subject matter includes a condition-responsive device, such as an acoustic wave device, in combination with switching elements and control elements such that active device operation with signal

modulation functionality and/or cloaking abilities are provided. Through this operation control elements may provide transmission of different data types and/or periodic cloaking of the acoustic wave device so as to prevent or lessen signal collisions with other such device that may be within the interrogation field of a single interrogator transceiver.

With this brief background in mind, it is respectfully submitted that controlling case law has frequently addressed rejections under Sections 102.

"For a prior art reference to anticipate in terms of 35 U.S.C Section 102, every element of the claimed invention must be identically shown in a single reference." Diversitech Corp. v. Century Steps, Inc., 850 F.2d 675, 677, 7 U.S.P.Q.2d 1315, 1317 (Fed Cir, 1988; emphasis added). The disclosed elements must be arranged as in the claim under review. See Lindemann Machinefabrik v. American Hoist & Derrick Co., 730 F.2d 1452, 1458, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984). If any claim, element, or step is absent from the reference that is being relied upon, there is no anticipation. Kloster Speedsteel AB v. Crucible, Inc., 793 F.2d 1565, 230 U.S.P.Q. 81 (Fed. Cir. 1986). Anticipation under 35 U.S.C. Section 102 requires that there be an identity of invention. See Shatterproof Glass Corp. v. Libbey-Owens Ford Co., 758 F.2d 613, ___, 225 U.S.P.Q. 635, 637 (Fed. Cir. 1985). In PTO proceedings, claim language should be read in light of the specification as it would be interpreted by one of ordinary skill in the art. In re Sneed, 710 F.2d 1544, 1548, 218 U.S.P.Q. 385, 388 (Fed. Cir. 1983).

With reference now in particular to the outstanding rejection of original claims 1-7 and 18 under 35 U.S.C §102(e) as being anticipated by U.S. Publish Patent Application No. 2004/0212486 (Dinello et al.), it should first be noticed that claim 1 is directed to "An electronics assembly, comprising ... a condition-responsive device ... an RF source connected to said condition-responsive device ... an antenna ... and at least one switching element configured to selectively control the effective transmission of said RF signal, whereby one or more data types may be selectively transmitted from the electronic assembly."

The Dinello '486 publication cited by the Examiner in support of the outstanding rejection is directed to a battery operated tire sensor that may include an un-illustrated centrifugal switch in series with battery 44 "... to turn the system off when the vehicle is stopped or switching into a sleep mode to extend the battery life." (Paragraph [0034] of Dinello '486)

After review of the Dinello '486 publication, Applicants do agree that the Dinello disclosure may provide a switch in series with his SAW device, but such switch, as noted above, is supplied simply to turn off or control power to the SAW device to control battery life. Applicants' device, on the other hand, and now more clearly claimed, provides a mechanism wherein the switching device coupled to the SAW is selectively controlled or operated so that one or more data types may be selectively transmitted from the electronic assembly. In other words, applicants' device will allow selective operation of the switch so that a second data stream may be substantially simultaneously transmitted (as illustrated in the drawings in Figs. 6 and 7) or the SAW may be effectively shorted out to prevent any transmission of data that might interfere with other device that may be in the field of a single local interrogator transceiver. Specific reference to applicants' disclosure at page 5, lines 18-29 and page 16, line 29 – page 17 line 3 is invited for original support of this concept. This operation where the switching element is "configured to selectively control the effective transmission of said RF signal" is entirely different from an operation that simply puts the SAW in a sleep mode or turns it off to save battery power.

In light of the above Remarks, Applicants respectfully submit that Dinello '486 does not anticipate present claims 1-7 and 18 and acknowledgement of the same is respectfully requested. As such, withdrawal of the anticipation rejection of such claims is respectfully requested.

REJECTION OF ORIGINAL CLAIMS 8-14, 19-30 AND 32-39 (35 U.S.C. §103(a)):

Original Claims 8-14, 19-30, and 32-39 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dinello et al. in view of U. S. Published Patent Application No. 2004/0130442 (Breed et al.) Based on the arguments presented above with respect to present claims 1-7 and 18 and hereinafter, Applicants submit that such claims should be allowed over Dinello et al. in view of Breed et al.

Since claims 8 – 18 variously depend from otherwise allowable claim 1 and further limit same, claims 8 - 18 should also be allowed. Acknowledgement of the same is earnestly solicited.

With respect to claims 19-32, it should first be noticed that original claim 19 is directed to “An electronics assembly, comprising ... a condition-responsive device ... characterized by first and second electrical connection points thereto ... an RF source configured for respective connection to said first and second connection points of said condition-responsive device ... a first switching element coupled between said condition-responsive device and said RF source for selectively controlling the connection between said RF source and a selected connection point of said condition-responsive device; and a second switching element coupled with said condition-responsive device for selectively controlling the effective operation of said condition-responsive device. (emphasis supplied)

As previously noted, Dinello discloses a SAW device that may include an un-illustrated switch in series with the SAW and a battery power supply. The recent feedback from the Examiner suggests that Breed teaches wireless sensors and includes a disclosure at paragraph [0385] discussing the concept of including a microprocessor with each sensor that would have an address such that the microprocessor would respond only to information containing its address. The recent feedback from the Examiner opined that the use of such an addressing scheme “would provide a cleaner communication system in that it would remove unsolicited communication.”

Respectfully, even assuming, *arguendo*, that such a modification of Dinello was performed, such would not provide the device as presently and originally claimed in claims 19-32. As noted hereinabove, claim 19 recites a first switch and a second switch. The first switch is recited as being “coupled between said condition-responsive device and said RF source for selectively controlling the connection between said RF source and a selected connection point of said condition-responsive device.” As a preliminary matter, Dinello does not disclose a switch coupled between his SAW 32 and any RF source. He does disclose the possibility of placing a switch in series with the SAW 32 and battery 44 as previously discussed; however such is not equivalent to the arrangement as here claimed. Respectfully, even if one were to provide an addressing plan as suggested in the recent feedback, such would not address the specifically claimed relationship among the first switch, the sensor and an RF source.

In addition to this lacking on Dinello's part, present and original claim 19 recites “a second switching element coupled with said condition-responsive device for selectively controlling the effective operation of said condition-responsive device.” One might be inclined to argue that the un-illustrated switch in Dinello could correspond to this claimed “second switching element” but, as previously discussed with respect to the outstanding rejection of claims 1-7 and 18, the claimed “second switching element” is configured to selectively control the effective operation of the condition responsive device. Dinello potentially provides a switch that cuts off power or places the sensor in a sleep mode when the associated vehicle is at rest. Such operation is not a “selective” control but rather an automatic control that simply stops the operation of the device rather than controls the effective operation of the device.

As discussed in applicants' specification and previously herein, the present subject matter has the capability of transmitting a second data stream substantially concurrently with a first data stream by modulating the SAW signal as illustrated in applicants' Figs. 6 and 7. In addition, applicants' device has the capability to cloak or hiding the signal from the device so as to lessen the possibility of interference from other device operating in the same interrogator transceiver field. Specific reference is

made to applicants' original disclosure at page 6, starting at line 4 for a discussion of the anti-collision feature. The claimed operation of the first and second switch recited in original claim 19 achieves these operations. No disclosure from Dinello or Breed alone or in combination provides any suggestion of this type of operation.

In light of the above Remarks, Applicants respectfully submit that Dinello '486 in view or Breed does not make obvious present claims 19 - 32 and acknowledgement of the same is respectfully requested. As such, withdrawal of the obviousness rejection of such claims is respectfully requested.

With respect to claims 33-39, it should first be noticed that claim 33 recites "A tire assembly with integrated sensing features ...comprising: a pneumatic tire structure .an acoustic wave device configured to sense information about at least one physical parameter associated with said pneumatic tire structure ... an RF source connected to said acoustic wave device ... an antenna ... and a controllable switching element coupled between said acoustic wave device and said RF source to selectively control the connection between said acoustic wave device and said RF source, whereby data indicative of at least a second physical parameter associated with said pneumatic tire structure may be selectively transmitted." (emphasis supplied)

As previously noted herein, Dinello does not disclose a switch coupled between his SAW 32 and any RF source. Moreover, the proposed implementation of the portion of Breed's disclosure identified in the most recent feedback from the Examiner would not provide such an arrangement. Applicants maintain that neither Dinello nor Breed singularly or in any combination fairly teach the presently claimed subject matter including the feature of selectively transmitting data indicative of a second physical parameter associated with a tire. As such, withdrawal of the obviousness rejection of such claims is respectfully requested.

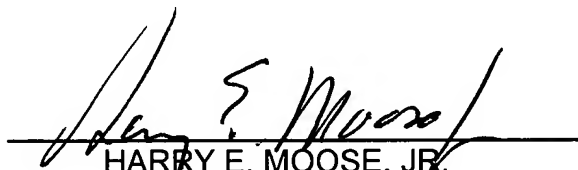
CONCLUSION:

Inasmuch as all outstanding issues have been addressed, it is respectfully submitted that the present application, including claims 1-39, is in complete condition for issuance of a formal Notice of Allowance, an action to such effect is earnestly solicited. The Examiner is invited to telephone the undersigned at his convenience should only minor issues remain after consideration of this response in order to permit early resolution of the same or if he has any questions regarding this matter.

Respectfully submitted,

DORITY & MANNING,
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